

Secretary, the certifying agent, and the governing State official; and

(C) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and nonorganic products or a penetration of prohibited chemicals or other substances on the certified area; and

(2) provide for reasonable exemptions from specific requirements of this chapter (except the provisions of section 6511 of this title) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program.

**(c) State program**

A State organic certification program approved under this chapter may contain additional guidelines governing the production or handling of products sold or labeled as organically produced in such State as required in section 6507 of this title.

**(d) Availability of fees**

**(1) Account**

Fees collected under subsection (a)(10) of this section (including late payment penalties and interest earned from investment of the fees) shall be credited to the account that incurs the cost of the services provided under this chapter.

**(2) Use**

The collected fees shall be available to the Secretary, without further appropriation or fiscal-year limitation, to pay the expenses of the Secretary incurred in providing accreditation services under this chapter.

(Pub. L. 101-624, title XXI, §2107, Nov. 28, 1990, 104 Stat. 3938; Pub. L. 105-185, title VI, §601(a), June 23, 1998, 112 Stat. 585.)

AMENDMENTS

1998—Subsec. (d). Pub. L. 105-185 added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6502, 6515 of this title.

**§ 6507. State organic certification program**

**(a) In general**

The governing State official may prepare and submit a plan for the establishment of a State organic certification program to the Secretary for approval. A State organic certification program must meet the requirements of this chapter to be approved by the Secretary.

**(b) Additional requirements**

**(1) Authority**

A State organic certification program established under subsection (a) of this section may contain more restrictive requirements governing the organic certification of farms and handling operations and the production and handling of agricultural products that are to be sold or labeled as organically produced under this chapter than are contained in the program established by the Secretary.

**(2) Content**

Any additional requirements established under paragraph (1) shall—

(A) further the purposes of this chapter;

(B) not be inconsistent with this chapter;

(C) not be discriminatory towards agricultural commodities organically produced in other States in accordance with this chapter; and

(D) not become effective until approved by the Secretary.

**(c) Review and other determinations**

**(1) Subsequent review**

The Secretary shall review State organic certification programs not less than once during each 5-year period following the date of the approval of such programs.

**(2) Changes in program**

The governing State official, prior to implementing any substantive change to programs approved under this subsection, shall submit such change to the Secretary for approval.

**(3) Time for determination**

The Secretary shall make a determination concerning any plan, proposed change to a program, or a review of a program not later than 6 months after receipt of such plan, such proposed change, or the initiation of such review.

(Pub. L. 101-624, title XXI, §2108, Nov. 28, 1990, 104 Stat. 3939.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6506 of this title.

**§ 6508. Prohibited crop production practices and materials**

**(a) Seed, seedlings and planting practices**

For a farm to be certified under this chapter, producers on such farm shall not apply materials to, or engage in practices on, seeds or seedlings that are contrary to, or inconsistent with, the applicable organic certification program.

**(b) Soil amendments**

For a farm to be certified under this chapter, producers on such farm shall not—

(1) use any fertilizers containing synthetic ingredients or any commercially blended fertilizers containing materials prohibited under this chapter or under the applicable State organic certification program; or

(2) use as a source of nitrogen: phosphorous, lime, potash, or any materials that are inconsistent with the applicable organic certification program.

**(c) Crop management**

For a farm to be certified under this chapter, producers on such farm shall not—

(1) use natural poisons such as arsenic or lead salts that have long-term effects and persist in the environment, as determined by the applicable governing State official or the Secretary;

(2) use plastic mulches, unless such mulches are removed at the end of each growing or harvest season; or

(3) use transplants that are treated with any synthetic or prohibited material.

(Pub. L. 101-624, title XXI, §2109, Nov. 28, 1990, 104 Stat. 3940.)

#### **§ 6509. Animal production practices and materials**

##### **(a) In general**

Any livestock that is to be slaughtered and sold or labeled as organically produced shall be raised in accordance with this chapter.

##### **(b) Breeder stock**

Breeder stock may be purchased from any source if such stock is not in the last third of gestation.

##### **(c) Practices**

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm—

(1) shall feed such livestock organically produced feed that meets the requirements of this chapter;

(2) shall not use the following feed—

(A) plastic pellets for roughage;

(B) manure refeeding; or

(C) feed formulas containing urea; and

(3) shall not use growth promoters and hormones on such livestock, whether implanted, ingested, or injected, including antibiotics and synthetic trace elements used to stimulate growth or production of such livestock.

##### **(d) Health care**

###### **(1) Prohibited practices**

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm shall not—

(A) use subtherapeutic doses of antibiotics;

(B) use synthetic internal parasiticides on a routine basis; or

(C) administer medication, other than vaccinations, in the absence of illness.

###### **(2) Standards**

The National Organic Standards Board shall recommend to the Secretary standards in addition to those in paragraph (1) for the care of livestock to ensure that such livestock is organically produced.

##### **(e) Additional guidelines**

###### **(1) Poultry**

With the exception of day old poultry, all poultry from which meat or eggs will be sold or labeled as organically produced shall be raised and handled in accordance with this chapter prior to and during the period in which such meat or eggs are sold.

###### **(2) Dairy livestock**

A dairy animal from which milk or milk products will be sold or labeled as organically produced shall be raised and handled in accordance with this chapter for not less than the 12-month period immediately prior to the sale of such milk and milk products.

#### **(f) Livestock identification**

##### **(1) In general**

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm shall keep adequate records and maintain a detailed, verifiable audit trail so that each animal (or in the case of poultry, each flock) can be traced back to such farm.

##### **(2) Records**

In order to carry out paragraph (1), each producer shall keep accurate records on each animal (or in the case of poultry, each flock) including—

(A) amounts and sources of all medications administered; and

(B) all feeds and feed supplements bought and fed.

##### **(g) Notice and public comment**

The Secretary shall hold public hearings and shall develop detailed regulations, with notice and public comment, to guide the implementation of the standards for livestock products provided under this section.

(Pub. L. 101-624, title XXI, §2110, Nov. 28, 1990, 104 Stat. 3940; Pub. L. 102-237, title X, §1001(2), Dec. 13, 1991, 105 Stat. 1893.)

#### **AMENDMENTS**

1991—Subsec. (d)(1)(B). Pub. L. 102-237, §1001(2)(A), substituted “parasiticides” for “paraciticides”.

Subsecs. (g), (h). Pub. L. 102-237, §1001(2)(B), redesignated subsec. (h) as (g).

#### **§ 6510. Handling**

##### **(a) In general**

For a handling operation to be certified under this chapter, each person on such handling operation shall not, with respect to any agricultural product covered by this chapter—

(1) add any synthetic ingredient during the processing or any postharvest handling of the product;

(2) add any ingredient known to contain levels of nitrates, heavy metals, or toxic residues in excess of those permitted by the applicable organic certification program;

(3) add any sulfites, nitrates, or nitrites;

(4) add any ingredients that are not organically produced in accordance with this chapter and the applicable organic certification program, unless such ingredients are included on the National List and represent not more than 5 percent of the weight of the total finished product (excluding salt and water);

(5) use any packaging materials, storage containers or bins that contain synthetic fungicides, preservatives, or fumigants;

(6) use any bag or container that had previously been in contact with any substance in such a manner as to compromise the organic quality of such product; or

(7) use, in such product water that does not meet all Safe Drinking Water Act [42 U.S.C. 300f et seq.] requirements.

##### **(b) Meat**

For a farm or handling operation to be organically certified under this chapter, producers on